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International Court of Justice

H1148 - 0002

THE INDIVIDUAL RESPONSIBILITY OF THE DEFENDANT

H E R M A N N G Ö R I N G

FOR CRIMES AGAINST THE PEACE, WAR CRIMES AND CRIMES AGAINST HUMANITY

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SECTION OF THE INDICTMENT

Statement of Individual Responsibility for Crimes Set out in Counts One, Two, Three, and Four, "GÖRING", Appendix A, page 28 of the English translation of the Indictment before the International Military Tribunal:

GÖRING:

The defendant GÖRING between 1932-1945 was: a member of the Nazi Party, Supreme Leader of the SA, General in the SS, a member and President of the Reichstag, Minister of the Interior of Prussia, Chief of the Prussian Police and Prussian Secret State Police, Chief of the Prussian State Council, Trustee of the Four Year Plan, Reich Minister for Air, Commander in Chief of the Air Force, President of the Council of Ministers for the Defence of the Reich, member of the Secret Cabinet Council, head of the Hermann Goering Industrial Combine, and Successor Designate to Hitler. The defendant GÖRING used the foregoing positions, his personal influence, and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the military and economic preparation for war set forth in Count One of the Indictment; he participated in the planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment, and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

LEGAL REFERENCES

1. Charter of the International Military Tribunal, 8 August 1945, Article 6.

2. Hague Convention No. IV of October 18, 1907, respecting the laws and customs of war on land, including particularly Annex, Articles 46, 47, 52, 55 and 56 of that Convention.

3. Geneva Convention of July 27, 1929, relative to the treatment of prisoners of war, including in particular Articles 29, 31 and 32 thereof.

STATEMENT OF EVIDENCE

I. Introduction and Basis for Individual Responsibility.

By the terms of the Charter under which this Tribunal is constituted, it is provided as follows:

Article 6. The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

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(a) CRIMES AGAINST PEACE: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

(b) WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

(c) CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

The individual responsibility of each of the defendants now on trial before this Tribunal must be evaluated and determined in accordance with the foregoing provisions. The operations of these criminal defendants were on a vast scale. They were committed in many countries. They were committed over a period of years, all, as has been shown, in pursuit of a common plan or conspiracy whose purposes were thoroughly known, not only to all of these defendants, but to many others.

The individual defendants now on trial were the leaders, organizers and instigators of this huge conspiracy. They were among the men who planned it in its several phases. They were among the men who were leaders in its ruthless execution. By reason of the positions each of these men held in the Nazi Party and in the German State, and by reason of the manner in which each of them acted to support the common plan or conspiracy and assisted in putting it into execution, each of them, under the foregoing terms of the Charter, may be found individually responsible for all acts performed by any persons in execution of such plan.

For more than two decades the defendant Hermann GÖRING played one

of the foremost roles amongst the Nazi conspirators. He, who called himself the most faithful paladin of the Fuehrer, was a key figure within the conspiracy, participating in nearly all phases of the conspiratorial activities: starting with the Munich Beer Hall putsch of 1923, working in Berlin on Hitler's rise to power in 1933, founder of the Gestapo and the concentration camps in 1933 and 1934, creating the German Luftwaffe, making it an instrument for aggressive war and using it to destroy other countries. As Plenipotentiary for the Four-Year Plan and chairman of the Ministerial Council for Defense the defendant GÖRING became the Czar of German economy and administration and eventually the executive manager of the entire conspiracy.

It is intended to establish by this brief the individual responsibility of the defendant GÖRING. For this purpose it is necessary to present the evidence for the most obvious criminal acts he has committed in almost every field of his jurisdiction. Part of this evidence has already been introduced in connection with earlier phases of this trial, for example, managing aggressive warfare, prosecuting minorities, ordering spoliation. However, this brief will present further evidence outlining the individual responsibility for the acts committed for his own benefit and that of the other conspirators.

By reason of his part in the common plan or conspiracy and his activities in support thereof, such as crimes against peace, war crimes and crimes against humanity, the defendant GÖRING may properly be found guilty under the Charter of the Tribunal of all acts performed by any persons in execution of the common plan or conspiracy.

II. Official Positions of the Defendant GÖRING.

On November 1945, GÖRING and his attorney certified to the correctness of the following partial list of official positions and offices held by him from 1922 to 1945:

1. Party member (1922-1945)
2. Supreme Leader of the SA (1923 - November 1923)
3. Member of the Reichstag (1928)
4. President of the Reichstag (1932)
5. Prussian Minister of the Interior (1933-1934)

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6. Prussian Prime Minister (1933-1945)

7. Prussian Chief of Secret State Police (1933-1936)

8. Prussian Chief of State Council (1933-1936)

9. Plenipotentiary of the Four-Year Plan (1936-1945)

10. Reichsminister for Air (1933-1945)

11. Commander-in-Chief of the Air Force (1935-1945)

12. President of the Cabinet Council for the Defense of the Reich (1939-1945)

13. Member of the Secret Cabinet Council (1938-1945)

14. Reichsmarshall (1939-1945)

15. Successor Designate to Hitler (1939-1945)

16. Head of Reichswerke Hermann Goering (1938-1945)

17. Head of Gestapo in Prussia (1933-1934)

2836-PS, U. S. No. ____, Certificate of HERMANN GOERING and his defense counsel, signed November 1945.

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III. Crimes Against Peace.

A. Acquisition and Consolidation of Power in Germany.

1. Before 1933.

GOERING was one of the most prominent Nazi conspirators from the earliest days. In 1923, soon after he joined the Party in 1922, he was placed in command of the entire SA, the Nazi organization committed to the use of violence and dedicated to the mission of making the Party the master of the streets.

2168-PS, Bayer, Die SA (1938), p. 10.

See proof of the criminality of the SA already introduced in evidence.

In November 1923, he took part in the ill-fated attempt at Munich to gain control of the German State by force. In the encounter with the police, GOERING was wounded and fled from Germany.

2532-PS, Ruehle, Das Dritte Reich, Die Kampfjahre. 1918-1933, (Berlin 1936), pp. 103-106.

After his return, GOERING became more than a commander of street fighters. He was designated Hitler's first political assistant.

"The movement was conducted by the Fuehrer from Munich. But one man has to act for him in Berlin, while Gauleiter Goebbels stirs up the masses and makes them ripe for National Socialism, a man on whom he could rely unconditionally to the same extent as if he acted himself. And thus, Hermann Goering became the political deputy of Adolf Hitler."

3252-PS, Gritzbach, Herman Goering. (41st edition, 1942), p. 194, 195.

GOERING's official biographer the Ministerial Dirgent Gritzbach, tells of his dealings with the Bruening government, his attempts to "break down the barrier" around the Reich President, von Hindenburg, and of his "coup" as Reichstag President in September 1932 in procuring a vote of non-confidence against the Papen government just before the Reichstag could be dissolved.

3252-PS, Gritzbach, Herman Goering. (41st edition 1942), pp. 195-197, 201, 213.

GOERING says in his own book:

"The moment was unforgettable for me who have gone back and forth as representative so often

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between the Kaiserhof and the Wilhelmstrasse during the past year, when I hurried out to my car and could report to the questioning masses as the first one: 'Hitler has become Reich Chancellor.'"

3251-PS, GOERING, Aufbau einer Nation. (2nd edition, 1934), p. 79.

Goebbels also gave him full measure of credit:

"'This is surely Goering's happiest hour,' wrote Dr. Goebbels in his book Vom Kaiserhof zur Reichskanzlei, and, quoting from it, said: that 'Goering prepared diplomatically and politically in a long lasting and hard struggle the basis for Hitler's rise.'"

3252-PS, Gritzbach, Herman Goering. (41st edition, 1942), p. 12.

In a letter written in 1935, Hitler summarized GOERING's contributions as follows:

"My dear Goering: When in November 1923 the Party tried for the first time to conquer the power of the State, you as Commander of the SA created within an extraordinarily short time that instrument with which I could bear that struggle. Highest necessity had forced us to act, but a wise providence at that time denied that success. After receiving a grave wound you again entered the ranks as soon as circumstances permitted as my most loyal commrade in the battle for power. You contributed essentially to creating the basis for the 30th of January. Therefore, at the end of a year of the National Socialist Revolution, I desire to thank you wholeheartedly, my dear Party Comrade GOERING, for the great values which you have for the National Socialist Revolution and consequently, for the German people. In cordial friendship and grateful appreciation.

Yours,

Adolf Hitler"

3259-PS, Gritzbach, Herman Goering. (41st edition, 1942), p. 69.

GOERING himself has boasted:

"Numerous titles and honors have been bestowed on me during the past months, and still no title and no decoration could make me so proud, as the designation, given to me by the German people: 'The most faithful paladin of our Fuehrer.' In that, my relationship to the Fuehrer finds expression. I followed him for over a decade with unreserved faith, and I will follow him with the same unconditional faith until my end."

3251-PS, GOERING, Aufbau einer Nation. (2nd edition, 1934), p. 53.

2. Prussia, 1933-1936.

Immediately after the 30th of January 1933, GOERING was

awarded the key post of acting Prussian Minister of the Interior, and shortly thereafter, that of Minister President of Prussia. In these capacities, he proceeded promptly to establish a regime of terror in Prussia designed to suppress all opposition to the Nazi program.

His chief tool was the Prussian police which remained under his jurisdiction until 1936. As early as February 1933, he ordered the entire police forces to render unqualified assistance to the para-military organizations supporting the new government, such as the SA and the SS, and to crush all political opponents with firearms, if necessary, and regardless of the consequences.

> Directive of 10 February 1933, Ministerialblatt für die Preussische innere Verwaltung 1933, p. 148; Directive of 17 February 1933, id, p. 169.

GÖRING has frequently and proudly acknowledged his own personal responsibility for the crimes committed pursuant to orders of this character:

> "I declared at that time before thousands of fellow Germans, each bullet which leaves the barrel of a police pistol now is my bullet. If one calls this murder, then I have murdered; I ordered all this, I back it up. I assume the responsibility, and I am not afraid to do so.
>
> 2324-PS, GÖRING Aufbau einer Nation. (2nd edition, 1934) pp. 84, 88.
>
> 3252-PS, Grizbach, Hermann GÖRING (41st edition, 1942, pp. 44-45).

Soon after he became Prussian Minister President, the defendant GÖRING began to develop the dreaded Gestapo or Secret State Police. To quote from his own book:

> "The most important thing for me was first, to get the instrument of power of the protective police and political police firmly in my hand. Here I undertook the first sweeping changes of personnel. Of the 32 available colonels of the protective police, I dismissed 22. Hundreds of officers and thousands of sergeants followed them in the course of the next months. New forces were procured, and everywhere, these forces were taken out of the large reserve pool of the SA and the SS. . .
>
> For weeks, I [illegible] daily worked on this transformation, and finally I created alone and from my own conviction and own thought the 'Secret State Police Office'. That instrument, feared so much by the enemies of the state, which above all has contributed so much, that today a Communist or Marxist danger in Germany or Prussia is hardly worth talking about anymore."
>
> 3251-PS, GÖRING, Aufbau einer Nation (Reconstruction of a Nation), second edition, Berlin, 1934.

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In a public address delivered 11 December 1934, the defendant GÖRING boasted:

> "We were firmly determined after assumption of power to hit the Communists so that in Germany they would never recover from our blow. For that we do not require a Reichstag fire! That has been one of the most important points on our program. In the former Weimar Constitution the destruction of Communism was unthinkable. For the execution of these measures we needed the instrument of a through and through reliable, and of the highest degree powerful, police force. I have created this instrument through the reorganization of the Field police (Landespolizei) and the formation of a Secret State Police. These organizations will constitute a means for implanting fear in all enemies of the State, which a State needs if it wishes to defend itself for always".
>
> 3440-PS, Address of GÖRING 11 December 1934. Reported in Das Archiv November/December 1934, pp. 1153, 1154.

On 26 April 1933 the defendant GÖRING signed the first law officially establishing the Secret State Police in Prussia.

> 2104-PS, Gesetz über die Einrichtung eines Geheimen Staatspolizeiamts (Law on the Organization of a Secret State Police Office) 26 April 1933, 1933 Preussische Gesetzsammlung, p. 122.

On 30 November 1933, the defendant GÖRING signed a law naming himself, as Prime Minister, Chief of the Prussian Secret State Police.

> 2105-PS, Gesetz über die Geheime Staatspolizei (Law on the Secret State Police) 30 November 1933, 1933 Preussische Gesetzsammlung, p. 413.

He continued in this position until some time in 1936 when Himmler secured control of all police in the Reich.

> See evidence introduced on "Die Geheime Staatspolizei (commonly known as the Gestapo).

Men and women taken into custody by the Gestapo were thrown into concentration camps without judicial or other form of trial. As early as the spring of 1933 the concentration camps were established in Prussia.

> See L-83, Affidavit of Gerhart H. Segar, 21 July 1945.
>
> 3252-PS, Gritzbach, Hermann GÖRING (41st ed., 1942) p. 36.

As explained by the defendant GÖRING in his own book:

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> "Against the enemies of the State, we must proceed ruthlessly. It cannot be forgotten, that at the moment of our rise to power, according to the official election figures of March 1933, six million people still confess their sympathy for Marxism. . . Therefore the concentration camps have been created, where we have first confined thousands of Communists and Social Democrat functionaries. . ."
>
> 2344-PS, GÖRING, Aufbau einer Nation. (Reconstruction of a Nation), 1934, p. 89.
>
> See proof introduced on the concentration camps including the motion picture, dealing with these institutions which has been shown the Tribunal.

On 10 February 1936, the defendant GÖRING, as Prussian Minister President signed a further basic law on the Prussian Secret State Police. By Article 7 of this law, it was provided:

> "Orders in matters of the Secret State Police are not subject to the review of the administrative courts".
>
> 2107-PS, Gesetz über die Geheime Staatspolizei (Law on the Secret State Police) 10 February 1936. 1936 Preussische Gesetzsammlung, p. 21.

Thus it was made quite clear by GÖRING'S own law that those imprisoned in concentration camps without trial of any kind were to have no recourse to any court. On the same day the defendant GÖRING signed a decree for the execution of the foregoing law, which further acknowledged his responsibility for Prussian concentration camps. Included in its provisions were the following:

> "Art. 2 . . . (4) The Secret State Police Bureau administers the state concentration camps."
>
> 2108-PS, Decree for Execution of the Law on the Secret State Police of 10 February 1936. 1936 Preussische Gesetzsammlung, pp. 22-24.

The range of police terrorism under GÖRING'S leadership was almost limitless. A glance at a few of his police directives in these early days will indicate the extent and thoroughness with which every dissident voice was silenced:

> Directive of 22 June 1933 (Ministerial-Blatt Fuer die Preussische innere verwaltung, 1933, p. 731): ordered all officials to watch the statements of employees of the Prussian civil service and to denounce to GÖRING those who made critical remarks ("Miesmacher"); failure to do so regarded as proof of hostile attitude.
>
> Directive of 23 June 1933 (Ministerial-Blatt fuer die Preussische innere Verwaltung, 1933, p. 749): suppressed all activities of the Social Democratic

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Party, including meetings and press, and ordered confiscation of its property; this police step preceded the subsequent prohibition of all non-Nazi parties by Reich law.

Directive of 30 June 1933 (Ministerial-Blatt fuer die Preussische innere Verwaltung, 1933, p. 793): ordered the Gestapo authorities to report to the Labor Trustees on political attitudes of workers, particularly in cases of criticism of the regime.

Directive of 15 January 1934 (Ministerial-Blatt fuer die Preussische innere Verwaltung, 1933, p. 137): ordered the Gestapo and frontier police to keep track of and to watch emigres, particularly political emigres and Jews, residing in neighboring countries, and ordered them arrested and put into concentration camps if they returned to Germany.

After the elimination of the forces of the opposition, the Nazis felt it necessary to dispose of nonconformists within their own ranks. The essential facts of the infamous Roehm purge of 30 June 1934 have already been presented to this Tribunal. It has been seen that many people were murdered who had nothing to do with the internal SA revolt but were just "not liked very well."

2950-PS, Affidavit of the defendant FRICK, 19 November 1945.

GÖRING'S role in this bloody affair was related less than two weeks later by Hitler in a speech to the Reichstag:

"Meanwhile Minister President GÖRING had previously received my instructions that in case of a purge, he was to take analogous measures at once in Berlin and in Prussia. With an iron fist he beat down the attack on the National Socialist State before it could develop."

3442-PS, Speech of Hitler on 13 July 1934
Das Archiv, Vol. 4-6, p. 505

3. The Reich, 1933-1939.

Meanwhile, in the central Reich government, GÖRING occupied a series of the highest and most influential positions. The proof already presented on the composition and functions of the Reichsregierung (Reich Cabinet) under the Nazi system renders superfluous any exhaustive discussion of the offices held by GÖRING. It will suffice here to indicate how broad and overreaching were the total powers which devolved upon him and made him in fact, under Hitler, the Chief Executive of the Nazi State.

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With the accession to power, GÖRING retained the somewhat empty title of Reichstag President but was also appointed Minister without Portfolio and became a cabinet member. When in an early meeting (15 March 1933) the cabinet discussed the pending Enabling Act (which gave the Cabinet plenary powers of legislation) he offered the suggestion that the required two-thirds majority might be obtained simply by refusing admittance to the Social Democratic delegates.

2962-PS Minutes of Conference of Ministers, 15 March 1933.

He became Reich Air Minister in May 1933.

2089-PS, Decree of 5 May 1933 establishing the Air Ministry, 1933 Reichsgesetzblatt, Part I, p. 241.

See, infra, discussion of GÖRING'S part in military preparation and operations.

In his capacity as Air Minister and Supreme Commander of the Luftwaffe, he sat as a member of and the Führer's deputy on the Reich Defense Council, established by the secret law of 21 May 1933 and continued in existence by the superseding secret law of 4 September 1938.

2261-PS, USA 24, Top Secret letter from Blomberg, 24 June 1935, inclosing Secret Reich Defense Law of 21 May 1935 and Cabinet decision of 21 May 1935.

2194-PS, USA 36, Top Secret letter from the Ministry for Economy and Labor, Saxony, to the Reich Protector in Bohemia and Moravia, 4 September 1939, enclosing copies of the 1934 Secret Defense Law.

This Council was a war planning group created more than ten years ago whose purpose was "to plan preparations and decrees in case of war which later on were published by the Ministerial Council for the Defense of the Reich."

2986-PS, Affidavit of the defendant FRICK, 19 November 1945.

In 1936, GÖRING was made plenipotentiary for the Four-Year Plan and acquired plenary legislative and administrative powers over all German economic life.

2071-PS, Decree of 18 October 1936, Relating to the Execution of the Four-Year Plan. 1936 Reichsgesetzblatt, Part I, p. 887.

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See infra, discussion of economic mobilization, spoliation and Jewish persecution and of decrees promulgated by GÖRING in this capacity.

GÖRING was a member of the Secret Cabinet Council established in 1938 to act as "an advisory board in the direction of foreign policy".

2261-PS, Decree of 5 February 1938, Establishing the Secret Cabinet Council, 1938 Reichsgesetzblatt, Part I, p. 112.

The Ministerial Council for the Defense of the Reich, created in 1939, took over, in effect, all of the legislative powers of the Cabinet which had not been reserved to Hitler's personal control or to GÖRING as the Delegate for the Four-Year Plan. GÖRING became the Chairman of this Council.

2018-PS, Decree of 30 August 1939, creating the Ministerial Council for the Defense of the Reich. 1938 Reichsgesetzblatt, Part I, p. 1539.

See infra, examples of decrees issued by GÖRING as chairman of this Council dealing, e.g., with confiscation of property, racial persecution, etc.

Finally, as the invading Nazi armies marched into Poland, Hitler announced the designation of GÖRING as successor designate, the heir apparent of the "new order."

4. Economic Preparation for War, 1933-1939.

In April 1936, GÖRING was appointed Coordinator for Raw Materials and Foreign Exchange and empowered to supervise all State and Party activities in these fields.

2827-PS, Ruehle, Das Dritte Reich, Vol. IV, 1936, p. 104.

In this capacity, GÖRING convened the War Minister, The Minister of Economics, The Reich Finance Minister, the President of the Reichsbank and the Prussian Finance Minister to discuss interagency problems connected with war mobilization. At a meeting of this group on 12 May 1936, when the question of the prohibitive cost of synthetic raw material substitutes arose, GÖRING said:

> "If we have war tomorrow, we must help ourselves by substitutes. Then money will not play any role at all. If that is the case, then we must be ready to create the prerequisites for that in peace."

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1301-PS, USA 123, Document No. IV, Minutes of the Meeting of 12 May 1936, p. 11, of English translation.

At a subsequent meeting of the same men on 27 May 1936, the defendant GÖRING suggested a program of plant construction for the production of synthetic substitutes but warned against the financial strain involved in excessive overexpansion. GÖRING opposed any limitations dictated by orthodox financial policy and stated:

> "All measures are to be considered from the standpoint of an assured waging of war.
>
> Ready reserves must ordinarily be accumulated already in peace in certain amounts."

1301-PS, USA 123, Document No. VI, Sheet 147, Minutes of Meeting on 30 May 1936.

On the Nürnberg Party Day in the fall of 1936, Hitler proclaimed the establishment of the Four Year Plan, a comprehensive program of national selfsufficiency, and announced the appointment of GÖRING as "Plenipotentiary" in charge. In October, a decree was promulgated which implemented this announcement and provided for the execution of the plan.

2071-PS, 1936 Reichsgesetzblatt, Part I, p. 887.

It is clear from GÖRING'S own statements in a recent interrogation that the underlying purpose of the Plan was to place Germany on a war footing economically:

> "GÖRING: 'My job was to organize the German economy and my energy was put to work to get things started and carried through. . .My main task was to secure the food supply for Germany for many years ahead and to make Germany self-sufficient. The most important items were iron, petroleum and rubber. . . The industry only wanted to have very high grade Swedish iron for business reasons. There was danger that during the war Germany would not be able to get iron from Sweden and there would be no iron.'
>
> INTERROGATOR: 'What war are you talking about? This is 1936 you're speaking of.'
>
> GÖRING: 'Any possibility of war. Perhaps with Russia, or in case there was war with anyone at any time and anywhere.'"

When asked the reasons why the Four Year Plan lost importance in 1942, GÖRING explained that his preoccupation with the Air Force did not allow him the necessary concentration of the affairs of the Four Year Plan, and stated:

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"The main task of the Four Year Plan had been accomplished. This task was to get Germany ready."

2828-PS, Ashcan Interrogation of Goering, 25 June 1945, Amen Register No. 1736, p. 63.

These answers confirm the comment he made in 1936 to the effect that his chief task as Plenipotentiary for the Four Year Plan was "to put the whole economy on a war footing within four years."

EC-403, Memorandum of Defense Division (Abt Landes-Verteidigung- OKW) dated 30 December 1936, entitled "The Four Year Plan and Preparation of the Economy".

As Plenipotentiary for the Four Year Plan, GÖRING was virtually the economic dictator for Germany with control over all other interested Reich agencies. He was the "boss of the economy" and all important decisions had to be referred to him.

2828-PS, Ashcan Interrogation of GÖRING 25 June 1945, Amen Register No. 1736, p. 63.

See proof as to general economic preparation for war in Germany.

Two important conferences, which have already been adverted to in the presentation of the general conspiracy case, show clearly how GÖRING inspired and directed the preparation of the German economy for aggressive war.

On 8 July 1938, he addressed a number of the leading German aircraft manufacturers, explained the political situation and laid the groundwork for a vast increase in aircraft production. After stating that war with Czechoslovakia was imminent and boasting that the German air force was already superior in quality and quantity to the English, he said:

"If Germany wins the war, she will be the greatest power in the world, dominating the world market, and Germany will be a rich nation. For this goal, risks must be taken. The only thing that matters is increased output regarding quantity and quality. Even if the manufacturers know that their present policies may mean their bankruptcy within three years, they will have to do it all the same. . . I want you to be perfectly resolved, today already, how you will run your business when war comes. The earlier the manufacturers make their preparations for mobilization today, the less danger there will be of work being held up. It must be determined for every worker whether he is essential for production upon outbreak of war, and measures must be taken to secure his deferment in case of mobilization.

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An executive will be put in charge to work on nothing but the complete preparation of each plant for mobilization day."

R-140, USA 160, Transcript of Speech by GÖRING to the assembled aircraft manufacturers on 8 July 1938, pp. 12, 16.

Just a few weeks after the Munich agreement, on 14 October 1938, another conference was held in GÖRING'S office. He began with the statement that Hitler had instructed him to organize a gigantic armament program which would make insignificant all previous achievements. He indicated that he had been ordered to build as rapidly as possible an air force five times as large, to increase the speed of Army and Navy armament and to concentrate on offensive weapons, principally heavy artillery and heavy tanks. He then proposed a specific program designed to accomplish these ends.

1301-PS, USA 123, Document No. 10, Minutes of conference held at GÖRING'S office on 14 October 1938.

5. Military Mobilization for War.

In his dual role as Reich Air Minister and Commander-in-Chief of the German Air Force, it was GÖRING'S function to develop the Luftwaffe to practical war strength. As early as March 1935 the mask of hypocrisy was removed and GÖRING frankly announced to the world that he was in the process of building a true military air force:

"After the German government expressed willingness to help, it became necessary to make a clear demarcation within German aviation, namely in this respect: which air force will be able to be made available? This situation brought about the decision as to those of the German aviation who will in future belong to the Air Force and those who will in future remain in civil aviation or in sport aviation. It was necessary to mark this separation also outwardly, so that the members of the German Air Force became soldiers according to the law and their leaders became officers."

2292-PS, USA 52, Interview with correspondent of the London Daily Mail, 10 March 1935, published in Das Archiv (1935), p. 182.

Two months later in a speech to one thousand Air Force officers GÖRING spoke in a still bolder vein:

"I repeat: I intend to create a Luftwaffe which, if the hour should strike, shall burst upon the foe like a chorus of revenge. The enemy must have a feeling of being lost already before even having fought. . ."

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3441-PS, GÖRING, Raden und Aufsätze (Munich, 1939), p. 242.

In the same year, he signed his name to the Conscription Law which provided for compulsory military service and constituted a daring act of defiance on the part of Nazi Germany in violation of the Versailles Treaty.

1654-PS, Law for the Organization of the Armed Forces, 16 March 1935, 1935 Reichsgesetzblatt, Part I, p. 369.

GÖRING'S statements during this period left no doubt in the minds of Allied diplomats that Germany was engaged in full mobilization of air power for an impending war.

> "GÖRING and Milch often said to me or in my presence that the Nazis had decided to concentrate on air power as the weapon of terror most likely to give Germany a dominant position and the weapon which could be developed the most rapidly and in the shortest time. . . High ranking Nazis with whom I had to maintain official contact, particularly men such as GÖRING, Goebbels, Ley, Frick, Frank, Darré and others, repeatedly scoffed at my position as to the binding character of treaties and openly stated to me that Germany would observe her international undertakings only so long as it suited Germany's interests to do so."

2385-PS, USA 68, Affidavit of George Messersmith, 30 August 1945.

B. The Waging of Aggressive War.

GÖRING was the central figure in the preparation in Germany for military aggression. In German economic development and military growth he held the key positions throughout the pre-war period. Although he held no official position in the field of foreign affairs, GÖRING also figured prominently in all of the major phases of Nazi international aggression between 1937 and 1941. As "No. 2 Nazi", he was a leading participant in every major plan of territorial aggrandizement or offensive military strategy.

This much is already a matter of history. The highlights of the Nazi plans for aggressive war have been placed on the record of this trial. It is proposed here merely to call to the attention of the Tribunal some specific occasions in which the defendant GÖRING was, in fact, the protagonist and in which he actively represented the Nazi conspirators in the foreground of international affairs.

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In the Austrian affair, GÖRING was the prompter and director of the diplomatic "tragicomedy" played before a shocked but silent world. In the middle of November 1937, Mr. Bullitt, the American Ambassador of France, reported the following conversation with GÖRING.

> "I asked GÖRING if he meant that Germany was absolutely determined to annex Austria to the Reich. He replied that this was an absolute determination of the German Government. The German Government at the present time was not pressing this matter because of certain momentary political considerations, especially in their relations with Italy; but Germany would tolerate no solution of the Austrian question other than the consolidation of Austria in the German Reich. He then added a statement which went further than any I have heard on this subject: He said, 'There are schemes being pushed now for a union of Austria, Hungary, and Czechoslovakia, either with or without a Hapsburg at the head of the unit. Such a solution is absolutely inacceptable to us, and for us the conclusion of such an agreement would be an immediate casus belli.'"
>
> L-151, USA 70, Report from Ambassador Bullitt to the Secretary of State, dated 23 November 1937.

When the time came, on 11 March 1938, GÖRING was in complete command. Throughout the afternoon and evening of that day he directed by telephone the activities of the defendant Seyss-Inquart, also of Keppler, Ullrich and the other Nazi operatives in Vienna. The pertinent portions of these telephone conversations have already been introduced into evidence.

> 2949-PS, USA 76, Transcript of telephone conversations between GÖRING and Seyss-Inquart, et al., 11 March 1938.

It will be recalled that in the late afternoon GÖRING gave the following order to Seyss-Inquart:

> "Now, remember the following: You go immediately together with Lt. General Muff and tell the Federal President that if the conditions which are known to you are not accepted immediately, the troops who are already stationed in and advancing to the frontier will march in tonight along the whole line, and Austria will cease to exist." (Part E).

Early the same evening he dictated to Seyss-Inquart the telegram which the latter was to send to Berlin requesting the Nazi Government to send German troops to "prevent bloodshed" (Part L). Two days later he was able to call Ribbentrop in London and say:

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"Yes, the last march into the Rhineland is completely overshadowed. The Führer was deeply moved, when he talked to me last night. You must remember it was the first time that he saw his homeland again. Now, I merely want to talk about political things. Well, this story we had given an ultimatum, that is just foolish gossip." (Part W), (Underscoring Supplied).

GÖRING played a similarly important role in the attack on Czechoslovakia. In March of 1938 at the time of the "Anschluss" with Austria he had given a solemn assurance to the Czechoslovakian Minister in Berlin that the developments in Austria would in no way have a detrimental influence on the relations between Germany and Czechoslovakia and had emphasized the continued earnest endeavor on the part of Germany to improve these mutual relations. In this connection, GÖRING used the expression: "Ich gebe Ihnen mein Ehrenwort. (I give you my word of honor)".

TC-27, GB 21, German Assurance to Czechoslovakia on 11 March 1938.

On the other hand, in his address to German airplane manufacturers on 8 July 1938, he made his private views on this subject abundantly clear:

"Beyond this they fear that once we have pocketed Czechoslovakia, we will attack Hungary, the Romanian oil wells, etc. Moreover, since there are democratic countries on the one hand, and authoritarian ones on the other, there is enough inflammable matter in the world anyway. When, how and where this inflammable matter will explode, no one among us can say. It may happen within some months, but it may also take some years. At present, the situation is this that Czechoslovakia has promised the Sudeten Germans to meet them half way. I am convinced that they will satisfy no more than some of their unimportant demands. Such action on their part would probably suit our policy best, since in this case we could put the entire responsibility on England because she has engaged herself so deeply in this business." (Underscoring supplied).

R-140, USA 160, Minutes of Conference with Airplane Manufacturers, 8 July 1938.

On the 14 October 1938, shortly after the Munich agreement, GÖRING gave his views on the Czechoslovakian question at a conference in the Air Ministry:

"The Sudeten land has to be exploited with all the means. General Field Marshal GÖRING

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counts upon a complete industrial assimilation of the Slovakia. Czech and Slovakia would become German dominions. Everything possible must be taken out. The Oder-Danube Canal has to be speeded up. Searches for oil and ore have to be conducted in Slovakia, notably by State Secretary Keppler."

1301-PS, USA 123, Top Secret Minutes of Conference at GÖRING'S office in the Reich Air Ministry, 14 October 1938.

Meanwhile, he was deceiving the representatives of the puppet Slovakian government to the same end:

"The Field Marshall considers that the Slovak negotiations toward independence are to be supported in a suitable manner. Czechoslovakia without Slovakia is still more at our mercy."

2801-PS, USA 109, Discussion between GÖRING and Slovakian Minister, Dr. Durkansky.

In the following year, with the rape of Czechoslovakia complete, GÖRING frankly stated what Germany's purpose had been throughout the whole affair:

"In a rather long statement the field marshall explained that the incorporation of Bohemia and Moravia into the German economy had taken place, among other reasons, to increase the German War potential by exploitation of the industry there."

R-133, USA 124, Secret Note on a Conference on 25 July 1939 with GÖRING in Westerland, signed by Müller.

GÖRING was also a moving force in the later crimes against the peace. As the successor designate to Hitler, chief of the Air Forces and economic czar of Greater Germany, he was a party to all the planning for military operations of the Nazi forces in the east and the west.

In the Polish affair, for example, it was GÖRING who in 1935 gave assurances to the Polish government that "there should be not the slightest fear in Poland that on the German side it (the German-Polish alliance) would not be continued in the future."

2504-PS, No. 15 Polish White Book, extract from minutes of conversation between GÖRING and Count Szembek, 31 January 1935.

Yet, four years later, GÖRING helped formulate plans for the ruthless invasion of Polish territory.

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In respect to the attack upon the Soviet Union, the documents already introduced into evidence prove that plans for the ruthless exploitation of Russian territory were made months in advance of the opening of hostilities, GÖRING was placed in charge of this army of spoliation whose mission was that of "seizing raw materials and taking over all important concerns."

1317-PS, USA 140, Top Secret Memorandum of Conferences in the Office of General Thomas, 28 February 1941.

1157-PS, USA 141, Top Secret Minutes of a Conference with the Branches of the Armed Forces, 29 April 1941.

These specific instances cover only a small part of GÖRING'S activities in the field of aggressive war. There follows a partial list of additional documents previously introduced into evidence by the prosecution which demonstrate GÖRING'S knowledge of and continued participation in the Nazi war program. They deal either with conferences on the highest war-planning levels which he attended or with secret orders communicated to him outlining in advance the official plans for the execution of the successive acts of aggression.

Meetings and Conferences Attended:

386-PS, USA 25, Conference in Reichskanzlei, 5 November 1937, to outline the necessity for expanding German foreign policy; plans discussed for the acquisition for Austria and Czechoslovakia.

1780-PS, USA 72, Entry in Jodl diary, 10 March 1938, referring to meeting attended by GÖRING and others at which the preparation of "Case Otto" and the mobilization of the army and the air force were ordered.

L-79, USA 27, Top secret conference with Hitler on 23 May 1939, the subject of which was indoctrination on the political situation and foreign aims.

L-3, USA 28 (For identification)

798-PS, USA 29, and

1614-PS, Meeting with Hitler, 22 August 1939, attended by commanders of the armed forces at which immediate plans for Polish invasion were discussed.

789-PS, USA 23, Hitler's speech to all military commanders on 23 November 1939, regarding the invasion of the low countries.

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1746-PS, GB 120, Meetings of 8 February 1941 and 27 March 1941, at which Hitler outlined the prospective operations against Yugoslavia and Greece.

Orders and Other Directives Received:

C-140, USA 51, Directive of Blomberg to the armed forces containing plans for military operations in the event that sanctions were applied against German withdrawal from League of Nations.

C-139, USA 53, Top secret directive of Blomberg of 2 May 1935, with plans for operation "Schulung" (the reoccupation of the Rhineland).

2261-PS, USA 24, Top secret letter from Blomberg dated 24 June 1935, enclosing copy of secret Reich Defense Law of 21 May 1935 and decision of Reich Cabinet of the same date.

C-159, USA 54, Order of Blomberg of 2 March 1936, giving the operational basis for the Rhineland occupation.

C-120, GB 41, Directives from Hitler and Keitel April to August 1939 on preparation and invasion of Poland.

C-126, GB 45, Operational file, "Fall Weiss," the code name for the Polish operation.

375-PS, USA 84, Directive from GAF, dated 25 August 1938, regarding the acquisition of bases in the low countries.

C-62, GB 106, Directive No. 6 for the conduct of the war, dated 9 October 1939, signed by Hitler, and orders of Keitel, dated 15 November 1939, on the plans for "Fall Gelb", (operation in the West).

C-72, GB 109, Orders of the Supreme Command from 7 November 1939 to 9 May 1940, regarding the opening of the invasion in the West.

440-PS, GB 107, Order of Hitler No. 8, 20 November 1939, for the execution of "Fall Gelb".

C-10, GB 108, Operational plans signed by Keitel on 28 November 1939, on action near the French-Belgium borders.

1809-PS, GB 88, Entries in Jodl diaries from 1 February to 26 May 1940 confirming plans for invasion of the West.

C-63, GB 87, OKW orders, 27 January 1940, signed by Keitel on preparation for "Fall Weserubung" (Invasion of Norway and Denmark).

C-174, GB 89, Führer order of 1 March 1940 for the execution of "Fall Weserubung".

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C-59, GB 121, Most secret order from Hitler's headquarters, dated 19 February 1941, on plans for the invasion of Greece.

447-PS, USA 135, Top secret operational order on "Case Barbarossa" (invasion of the Soviet Union), dated 13 March 1941, signed by Keitel.

C-39, USA 138 Time table for "Case Barbarossa", signed by Keitel.

376-PS, USA 161, Top secret memorandum of 29 October 1940, signed by Falkenstein, Luftwaffe liaison officer with OKW, discussing need for the seizure of air bases in the event of future war with the United States.

C-75; USA 151, Basic order No. 24, dated 5 March 1941, signed by Keitel, regarding German collaboration with Japan.

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IV. WAR CRIMES.

A. Forced Labor, Deportation and Enslavement of Residents of Occupied Territories

Evidence previously introduced before the Tribunal has demonstrated the slave labor program of the Nazi conspirators and has shown that this program had two purposes, both of them criminal. The first was to satisfy the labor requirements of the Nazi war machine by forcing residents of occupied countries to work in Germany, often directly in the German armament industry, and the second was to destroy or weaken the peoples of the occupied territories. It has been shown that millions of foreign workers were taken to Germany, for the most part under pressure and generally by physical force, that these workers were forced to labor under conditions of undescribable brutality and degredation, and that often they were used in factories and industries devoted exclusively to the production of munitions of war.

> See evidence on "The Nazi Conspirators' Slave Labor Program, the Illegal Use of Prisoners of War and the Special Responsibility of Defendants Sauckel and Speer therefor".

The defendant GÖRING was at all times implicated in the slave labor program. Recruitment and allocation of man-power and determination of working conditions were included in his jurisdiction as Plenipotentiary for the Four Year Plan, and from its beginning a part of the Four Year Plan Office was devoted to such work.

> 1862-PS, Verordnung zur Durchfuehrung des Vierjahresplan (Ordinance for the Execution of the Four Year Plan) 18 October 1936, 1936 Reichsgesetzblatt, Part I, p. 887.
>
> 2827-PS, Rühle, Das Dritte Reich, Vol. 4 (1936) p. 104 et. seq.

The defendant GÖRING was present at a meeting in Hitler's study on 23 May 1939 at which Hitler, after declaring his intention to attack Poland at the first suitable opportunity said:

> "If fate brings us into conflict with the West, the possession of extensive areas in the East will be advantageous. . . The population of non German areas will perform no military service and will be available as a source of labor."
>
> L-79, USA 27, Minutes of Conference with Hitler, 23 May 1939, p. 2.

Soon after the fall of Poland, the defendant GÖRING, as Plenipotentiary for the Four Year Plan, began the enslavement of large numbers of Poles. On 25 January 1940, the defendant Frank, then Governor General of Poland, reported to GÖRING as follows:

> "For the execution of the task of systematically placing the economic strength of the Generalgouvernement, within the framework of the Four Year Plan, in the service of the German defense industry, I give the following
>
> directives:
>
> 1. In view of the present requirements of the Reich for the defense industry, it is at present fundamentally impossible to carry on a long-term economic policy in the Generalgouvernement. Rather, it is necessary so to steer the economy of the Generalgouvernement that it will, in the shortest possible time, accomplish results representing the maximum that can be gotten out of the economic strength of the Generalgouvernement for immediate strengthening of our capacity for defense. . . .
>
> 2. (g) Supply and transportation of at least 1 million male and female agricultural and industrial workers to the Reich - among them at least 7500 000 (sic) agricultural workers of which at least 50% must be women - in order to guarantee agricultural production in the Reich and as a replacement for industrial workers lacking in the Reich". . .
>
> 1375-PS, USA 172, Report Frank to GÖRING, 25 January 1940.

That orders for this enormous number of workers originated with the defendant GÖRING is clear from the following statement in Frank's Diary for 10 May 1940:

> "Then the Governor General deals with the problem of the Compulsory Labor Service of the Poles. Upon the demands from the Reich it has now been decreed that compulsion may be exercised in view of the fact that sufficient manpower was not voluntarily available for service inside the German Reich. This compulsion means the possibility of arrest of male and female Poles. Because of these measures a certain disquietude had developed which, according to individual reports, was spreading very much, and which might produce difficulties everywhere. General Fieldmarshal GÖRING some time ago pointed out in his long speech the necessity to deport into the Reich a million workers. The supply so far was 160,000. However, great difficulties had to be overcome. Therefore it would be advisable to consult the district and town chiefs in the execution of the compulsion, so that one could be sure from the start that this action would be reasonably successful. The arrest of young Poles when leaving church service or the cinema would bring about an increasing nervousness of the Poles. Generally speaking, he had no objections at all if the rubbish, capable of work yet often loitering about, would be snatched from the streets. The

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best method for this, however, would be the organization of a raid, and it would be absolutely justifiable to stop a Pole in the street and to question him what he was doing, where he was working, etc."

2233-PS-A, USA 173, Diary of Hans Frank, 10 May 1940.

For the harsh treatment given these workers when they reached Germany, the defendant GÖRING is also responsible. On 8 March 1940, as Plenipotentiary of the Four Year Plan and as Chairman of the Cabinet Counsel for the Defense of the Reich, he issued a directive to the Supreme Reich authorities, subject: "Treatment of male and female civilian workers of Polish Nationality in the Reich." In this directive the defendant GÖRING provided in part:

"The mass employment of male and female civilian workers of Polish nationality in the Reich necessitates a comprehensive ruling on treatment of these workers.

The following orders are to be executed at once:

* * * * * * * * * * *

4) The blameless conduct of the Poles is to be assured by special regulations. The legal and administrative regulations, necessary for this, will be issued by the Reichsfuehrer-SS and Chief of the German Police at the Reich Ministry of the Interior.

* * * * * * * * * * *

6) Attention is drawn to the explanations enclosed as appendix."

R-148, Letter dated Berlin, 8 March 1940, signed GÖRING, addressed to the Supreme Reich authorities.

Attached to this directive, and also dated 8 March 1940 is a series of regulations issued by Himmler, as Reichfuehrer SS and Chief of the German Police. These regulations contain most stringent measures and most humiliating discrimination against Polish workers in the Reich. In a covering Express Letter addressed to all State Police district-offices and State Police offices, also dated 8 March 1940, Himmler makes clear what is intended in order to secure "blameless conduct". He states : (Page 10 of English translation)

"The steps to be taken to combat insubordination and non-compliance with the duty to work, must be decided according to the severity of the case and to the spirit of resistance of the offender. It is of most importance that they be taken immediately after the offense is committed so that they have a decisive effect. In accordance with my instructions in the appended decrees,

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especially severe measures must be taken during the first eight weeks, in order to bring home to the workers of Polish nationality from the outset the consequences of non-compliance with the orders issued. , .

In general, all cases where a warning, by the State Police or a short imprisonment is not sufficient to induce the worker to fulfill his duties, application is to be made for his transfer to a labor training camp, and an opinion given on what treatment he should receive there. The treatment in the Labor training camps will have to be in accordance with the severity of the offense. It is suitable e. g. to make obstinate shirkers work in the stone-quarries of the Mauthausen camp. By a special decree, to the heads of SS-Deathshead Units and concentration camps, I have ordered that the treatment of these persons under protective custody be undertaken in a concentration camp.

Extraordinarily serious cases have to be reported to the Chief of the Security Police and the SD who, after examination, make the decision on a special treatment of the workers of Polish nationality in question."

R-148, Letter dated Berlin, 8 March 1940, signed GORING, addressed to Supreme Reich authorities, with attachments.

On 29 January 1942 the Division for the Employment of labor in the Four Year Plan Office issued a circular, signed by Dr. Mansfeld, the general delegate for labor employment in the Four Year Plan Office, addressed to various civilian and military authorities in the occupied territories, explaining the various means to be used to force workers to go to Germany. The circular provides in part:

"Subject: Increased mobilization of man-power for the German Reich from the occupied territories and preparations for mobilization by force.

On the one hand, the labor shortage which was rendered more acute by the draft for the Wehrmacht, and on the other hand, the increased scope of the armament problem in the German Reich, render it necessary that man power for service in the Reich be recruited from the occupied territories to a much greater extent than heretofore, in order to relieve the shortage of labor. Therefore, any and all methods must be adopted which make possible the transportation, without exception and delay, for employment in the German Reich, of man power in the occupied territories which is unemployed or which can be released for use in Germany after most careful screening.

This mobilization shall first of all, as heretofore, be carried out on a voluntary basis. For this reason, the recruiting effort for employment in the German Reich must be strengthened considerably. But if satisfactory results are to be obtained, the German authorities, who are functioning in the occupied

territories, must be able to exert any pressure necessary to support the voluntary recruiting of labor for employment in Germany. Accordingly, to the extent that may be necessary, the regulations in force in the occupied territories in regard to shift in employment and withdrawal of support upon refusal to work, must be tightened. Supplementary regulations concerning shift in employment must above all insure that older personnel who are freed must be exchanged for younger personnel to make up for it, so that the latter may be made available for the Reich. A far-reaching decrease in the amount of relief granted by Public Welfare must also be effected in order to induce laborers to accept employment in the Reich. Unemployment relief must be set so low that the amount in comparison with the average wages in the Reich and the possibilities there for sending remittances home may serve as an inducement to accept employment in the Reich. When refusal to accept work in the Reich is not justified, the compensation must be reduced to an amount barely enough for subsistence, or even be cancelled. In this connection, partial withdrawal of ration cards and assignment to particularly heavy obligatory labor may be considered.

However, all misgivings must give way before the necessity of supplying the deficit in man power caused by excessive draft calls into the Armed Forces, in order to avoid detriment to the armament industry. For this purpose the forcible mobilization of workers from the occupied territories cannot be disregarded, in case the voluntary recruiting is unsuccessful. The mere possibility of mobilization by force will, in many cases, make recruiting easier.

Therefore, I ask you immediately to take any measures in your district which will promote the employment of workers in the German Reich on a voluntary basis. I herewith request you to prepare for publication regulations applying to forced mobilization of laborers from your territory for Germany, so that they may be decreed at once, in case recruiting on a voluntary basis will not have the desired result, that is relief of the man power shortage in the Reich. I request you to inform me of the measures taken by you."

1183-PS, Circular Letter of the Commissioner for the Four Year Plan, Department Arbeitseinsatz, 29 January 1942.

On 21 March 1942, Hitler promulgated a decree appointing the defendant Sauckel Plenipotentiary General for Man Power. This decree provided in part:

"In order to secure the manpower requisite for the war industries as a whole, and particularly for armaments, it is necessary that the utilization of all available manpower, including that of workers recruited (erworben) abroad and of prisoners of war, should be subject to a uniform control, directed in a manner appropriate to the requirements of war industry, and further that all still incompletely utilized manpower in the Greater German Reich, including the Protectorate, and in the General Government and in the occupied territories, should be mobilized.

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"Reichsstatthalter and Gauleiter Fritz Sauckel will carry out this task within the framework of the Four Year Plan, as plenipotentiary general, for the employment of manpower. In that capacity he will be directly responsible to the Commissioner for the Four Year Plan."

1666-PS, USA 208, Erlass des Führers über einen Generalbevollmächtigten für den Arbeitseinsatz vom 21 March 1942 (Decree by the Fuehrer, concerning a Plenipotentiary-General for the Utilization of Labor, of 21 March 1942) 1942 Reichsgesetzblatt, Part I, p. 179.

On 27 March 1942, the defendant GÖRING, as Plenipotentiary of the Four Year Plan issued a decree in pursuance of the decree of the Fuehrer of 21 March 1942. This decree provided:

"In pursuance of the Fuehrer's Decree of 21 March 1942 (RGBL I, 179), I decree as follows:

1. My manpower sections (Geschaeftsgruppen Arbeitseinsatz) are hereby abolished (circular letter of 22 Oct 1936/St M. Dev. 265). Their duties (recruitment and allocation of manpower, regulations for labor conditions (Arbeitsbedingungen)) are taken over by the Plenipotentiary General for Arbeitseinsatz, who is directly under me.

2. The Plenipotentiary General for Arbeitseinsatz will be responsible for regulating the conditions of labor (wage policy) employed in the Reich Territory, having regard to the requirements of Arbeitseinsatz.

3. The Plenipotentiary General for Arbeitseinsatz is part of the Four Year Plan. In cases where new legislation is required, or existing laws required to be modified, he will submit appropriate proposals to me.

4. The Plenipotentiary General for Arbeitseinsatz will have at his disposal for the performance of his task the right delegated to me by the Fuehrer for issuing instructions to the higher Reich authorities, their branches and the Party offices, and their associated organisms and also the Reich Protector, the General Governor, the Commander-in-Chief, and heads of the civil administrations. In the case of ordinances and instructions of fundamental importance a report is to be submitted to me in advance."

1666-PS, USA 208, Decree of GÖRING, 27 March 1942, 1942 Reichsgesetzblatt, Part I, p. 180.

Since the defendant Sauckel was an authority of the Four Year Plan, it is clear that the defendant GÖRING remains responsible for the enormous war crimes committed by Sauckel as Plenipotentiary-General for Manpower. These crimes are already proven.

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See evidence on "The Nazi Conspirators' Slave Labor Program, the Illegal Use of Prisoners of War and the Special Responsibility of Defendants Sauckel and Speer therefor."

B. Employment of Prisoners of War in War Industry.

The Nazi conspirators ordered prisoners of war to work under dangerous conditions, and in the manufacturing and transportation of arms or munitions, in violation of the Law of War and of Articles 31 and 32 of the Geneva Convention of 27 July 1929 on Prisoners of War. The defendant GÖRING had a part in these crimes.

See evidence on "The Nazi Conspirators' Slave Labor Program, the Illegal Use of Prisoners of War and the Special Responsibility of the Defendants Sauckel and Speer therefor".

At a conference on 7 November 1941, the subject of which was the employment of Soviet Russians, including Russian prisoners of war, it appears from a memorandum signed by Koerner, State Secretary to the defendant GÖRING as Plenipotentiary for the Four Year Plan, that GÖRING gave the following directives for use of Soviet Russians as laborers:

"I. The stronger labor reserves in the zone of the interior are also decisive for the war.

The Russian workers have proved their productive capacity during the development of the huge Russian industry. Therefore it must be made available to the Reich from now on. Objections against this order of the Fuehrer are of the secondary nature. The disadvantages which can be created by the Arbeitseinsatz have to be reduced to a minimum: the task especially of counter-intelligence and security police.

II. The Russian in the zone of operations.

He is to be employed particularly in building roads and railroads, in clearing work, clearing of mines and in building airports. The German construction battalions have to be dissolved to a great extent (Example: Air Forces!); the German skilled workers belong to the war industry; it is not their task to shovel and to break stones, the Russian is there for that."

* * * * * * * * * *

IV. The Russian in the Reich territory including the Protectorate.

The number of the employed depends on the requirement. By determining the requirement, it is to be considered that workers of other states who produce little and eat much are to be shipped out of the Reich and that

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in the future the German woman should come less into the foreground in the labor process. Beside the Russian prisoners of war, free Russian workers should also be used.

A. The Russian Prisoner of war.

1. The selection has to take place already in the collecting camps, beyond the Reich border. The profession and physical condition are decisive. At the same time screening as to nationality and according to the requirements of the security police and counter-intelligence must take place.

2. The transportation has to be organized just as the selection and not improvised. The prisoners are to be forwarded rapidly. Their feeding should be orderly and their guarding unconditionally secured.

3. Officers are to be excluded from the work as much as possible, commissars as a matter of principle.

4. The Russian belongs in first line to the following work places (in order of priorities):

Mining
Railroad maintenance (including repair shops and construction of vehicles)
War industry (tanks, artillery pieces, airplane parts)
Agriculture
Building industry
Large scale work shops (shoe shops!)
Special units for urgent, occasional and emergency work.

* * * * * * * * * * *

B. The free Russian Worker.

Employment and treatment, will not be handled in practice differently than for Russian prisoners of war. In both categories, particularly good production can be acknowledged by a limited distribution of luxury items. Sufficient, adequate nourishment is also the main thing for the free workers."

1193-PS, Memorandum of Conference with GÖRING on 7 November 1941 about the Employment of Soviet Russians.

In a set of top secret notes on what was apparently the same conference, the following appears:

"NOTES
On outlines layed down by the Reichsmarschall in the meeting of 7 November 1941 in the Reich Ministry for Air (RLM)

SUBJECT: Employment of laborers in war industries.

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The Fuehrer's point of view as to employment of prisoners of war in war industries has changed basically. So far a total of 5 million prisoners of war - employed so far 2 million.

Directives for employment:

Frenchmen: Individual employment, transposition into armament industry (Rü-wirtschaft)

Serbs: Preferably agriculture

Poles: If feasible no individual employment achievement of Russian armament industry surpasses the German one. Assembly line-work, a great many mechanical devices with relatively few skilled workers.

Readiness of Russians in the operational area to work is strong. In the Ukraine and other areas discharged prisoners of war already work as free labor. In Krivoy Rog, large numbers of workers are available due to the destruction of the factories. . . .

Some points as to general Arbeitseinsatz

Rather employ PW's than unsuitable foreign workers. Seize Poles, Dutchmen, etc. if necessary as PW's and employ them as such, if work through free contract cannot be obtained. Strong action."

1206-PS, USA 215, Notes on outlines laid down by the Reichsmarschall in the meeting of 7 November 1941 in the Reich Ministry for Air.

In a secret letter from the Reichminister of Labor to the Presidents of the Regional Labor Exchange Offices, the following appears:

"Upon personal order of the Reich Marshal, 100,000 men are to be taken from among the French PWs not yet employed in the armament industry, and are to be assigned to the armament industry (airplane industry). Gaps in manpower supply resulting therefrom will be filled by Soviet PWs. The transfer of the above-named French PWs is to be accomplished by 1 October."

3005-PS, USA 213, Secret letter from the Reich Minister of Labor to the Presidents of Regional Labor Exchange Offices.

C. Looting and Destruction of Works of Art.

Evidence has been introduced as to the organized, systematic program of the Nazi conspirators for the cultural impoverishment of every country in Europe and further evidence on this subject will be introduced by French and Soviet prosecutors. In particular, the plunder of works of art in the Government General in occupied Poland and the activities of the Einsatzstab Rosenberg have been described. The continuous connection of the defendant GÖRING with these activities appears from the following evidence.

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In October 1939, the defendant GÖRING requested a Dr. Kajetan Muehlmann to undertake immediately the "securing" of all Polish art treasures. In an affidavit, Dr. Muehlmann states:

> "I was the special deputy of the Governor General of Poland, HANS FRANK, for the safeguarding of art treasures in the General Government, October 1939 to September 1943.
>
> GÖRING, in his function as chairman of the Reich Defense Council, had commissioned me with this duty.
>
> I confirm, that it was the official policy of the Governor General, HANS FRANK, to take into custody all important art treasures, which belonged to Polish public institutions, private collections and the Church. I confirm, that the art treasures, mentioned, were actually confiscated, and it is clear to me, that they would not have remained in Poland in case of a German victory, but that they would have been used to complement German artistic property".
>
> 3042-PS, Affidavit of Dr. Kajetan Muehlmann, 19 November 1945.

Indicative of the continued interest taken by the defendant GÖRING in these operations, it appears from Dr. Muehlmann's report on his operations that at one time, 31 valuable sketches by the artist Albrecht Durer were taken from a Polish collection and personally handed to the defendant GÖRING who took them to the Fuehrer's headquarters.

> 1709-PS, Copy of report on activities of special art delegates of the Generalgouvernement forwarded to Chief of Reich Chancellory on 16 July 1943.

The part played by the defendant GÖRING in looting of art by the Einsatzstab-Rosenberg has been fully shown by evidence previously introduced. On 5 November 1940 the defendant issued an order under his own signature directed to the Chief of the Military Administration Paris, and to the Einsatzstab-Rosenberg, reading as follows:

> "In conveying the measures taken until now, for the securing of Jewish art property by the Chief of the Military Administration Paris and the special service staff Rosenberg (The Chief of the Supreme Command of the Armed Forces 2 f 28.14.W.Z.Nr 3812/40 g), the art objects brought to the Louvre will be disposed of in the following way:
>
> 1) Those art objects about which the Fuehrer has reserved for himself the decision as to their use.
>
> 2) Those art objects which serve to the completion of the Reich Marshal's collection.

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3) Those art objects and library stocks the use of which seem useful to the establishing of the higher institutes of learning and which come within the jurisdiction of Reichsleiter Rosenberg.

4) Those art objects that are suited to be sent to German museums, of all these art objects a systematic inventory will be made by the special purpose staff Rosenberg; they will then be packed and shipped to Germany with the assistance of the Luftwaffe.

141-PS, Order of GÖRING concerning disposal of art objects, 5 November 1940.

In view of the high priority afforded by the foregoing order to the completion of the defendant's own collection, it is not surprising to find that the defendant continued to aid the operations of the Einsatzstab-Rosenberg. Thus, on 1 May 1941, the defendant GÖRING issued an order to all Party, State and Wehrmacht Services, under his own signature, requesting the foregoing:

". . .to give all possible support and assistance to the Chief of Staff of Reichsleiter Rosenberg's staffs. . . .The above-mentioned persons are requested to report to us on their work, particularly on any difficulties that might arise".

1117-PS, Original order signed by GÖRING, 1 May 1941.

By 30 May 1942, the defendant GÖRING was able to boast of the assistance which he had rendered to the work of the Einsatzstab-Rosenberg. In a letter to Rosenberg, of that date, he states:

". . .On the other hand I also support personally the work of your Einsatzstab wherever I can do so, and a great part of the seized cultural goods can be accounted for because I was able to assist the Einsatzstab with my organizations."

1015 i - PS, Letter GÖRING to Rosenberg, 30 May 1942.

Thus the defendant GÖRING'S responsibility for the plunder and looting of art objects accomplished by the Einsatzstab-Rosenberg is clear.

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D, Germinization and Spoliation

Evidence both of the planning and the execution of these crimes in the Western countries occupied by the German armies will be presented at a later time by the French prosecutor. The responsibility of the defendant GÖRING, as Plenipotentiary for the Four Year Plan, as President of the Cabinet Council for the Defense of the Reich and in other capacities will be made abundantly clear by that evidence. Further evidence of the planning for these crimes and evidence of the execution of them in the countries to the East of Germany will be presented by the Soviet prosecutor, and the defendant GÖRING'S part in these crimes will be made similarly clear. Evidence has been presented, however, of the deliberate manner in which the Nazi conspirators planned these crimes in the countries to the East.

The plans of the Nazi conspirators with respect to Poland have been shown by such prior evidence. The Nazis purported to incorporate the four western provinces of Poland into the German Reich. In the remaining portions occupied by them they set up the Government General. It was shown that the Nazis planned to Germanize the so-called incorporated territories ruthlessly by deporting Polish intelligentsia, Jews and dissident elements to the Government General, for eventual elimination, by confiscating Polish property, particularly farms, by sending those so deprived of their property to Germany as laborers and by importing German settlers. It was specifically planned to exploit the people and material resources of the territory within the Government General by taking whatever was needed to strengthen the Nazi War machine, thus impoverishing this region and reducing it to a vassal state.

The defendant GÖRING, together with Hitler and Lammers and with the defendants Frick and Hess signed the decree purporting to incorporate certain parts of Polish territory into the Reich.

> Decree of the Fuehrer and Reich Chancellor concerning the Organization and Administration of the Eastern Territories, 8 October 1939, 1939 Reichsgesetzblatt, Part I, p. 2042.

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Purporting to act by virtue of Section 8 of the foregoing decree, the defendant GÖRING, as Plenipotentiary of the Four Year Plan, signed an order concerning the introduction of the Four Year Plan in the Eastern Territories.

> Order concerning the Introduction of the Four Year Plan in the Eastern Territories, 30 October 1939, 1939 Reichsgesetzblatt, Part I, p. 2125.

The defendant GÖRING in a directive dated 19 October 1939 stated:

> "In the meeting of October 13th, I have given detailed instructions for the economical administration of the occupied territories. I will repeat them here in short: 1. The task for the economic treatment of the various administrative regions is different depending on whether a country is involved which will be incorporated politically into the German Reich or whether we deal with the Government General, which, in all probability, will not be made a part of Germany.
>
> In the first mentioned territories the reconstruction and expansion of the economy, the safeguarding of all their production facilities and supplies must be aimed at, as well as a complete incorporation into the Greater German economic system at the earliest possible time. On the other hand there must be removed from the territories of the Government General all raw materials, scrap materials, machines etc., which are of use for the German war economy. Enterprises which are not absolutely necessary for the meager maintenance of the naked existence of the population must be transferred to Germany, unless such transfer would require an unreasonably long period of time and would make it more practical to exploit those enterprises by giving them German orders to be executed at their present location."
>
> Ec 410, Directive GÖRING, 19 October 1939.

The defendant GÖRING acted as chairman of a meeting on 12 February 1940 to discuss "questions concerning the East", attended also by Himmler and the defendant Frank, from the minutes of which it appears:

> "By way of introduction, the General Field Marshal explained that the strengthening of the war potential of the Reich must be the chief aim of all measures to be taken in the East."
>
> Ec 305, Minutes of Meeting 12 February 1940, under chairmanship of GÖRING, on questions concerning the East.

From the foregoing documents, the complicity of the defendant GÖRING in the plans for the ruthless exploitation of Poland

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clearly appears. But his hand may also be found in the remainder of the Nazi plans for Poland. As an illustration, it was the defendant GÖRING who signed, with Hitler and the defendant Keitel the secret decree which entrusted Himmler with the task of executing the Germanization program.

686-PS, Secret Decree, 7 October 1939.

Evidence already introduced has shown from the mouths of Himmler, Frank and others just what this appointment involved in human suffering and degredation.

Similarly, it was the defendant GÖRING who, by virtue of his powers as Plenipotentiary for the Four Year Plan, issued a decree concerning confiscations in the incorporated eastern territories. This decree applied to "property of citizens of the former Polish State within the territory of the Greater German Reich, including the incorporated Eastern Territories", and provided in part:

> "SECTION 1. (1) The property of citizens of the former Polish State within the territory of the Greater German Reich, including the incorporated Eastern territories, shall be subject to sequestration, trustee administration, and confiscation in accordance with the following provisions.
>
> (2) Subsection I shall not apply to the property of persons who, in accordance with Section 6 of the decree of the Fuehrer and Reich Chancellor relating to the organization and administration of the Eastern Territories of October 8, 1935 (RGBl, I, p. 2042), have acquired German nationality. The agency having jurisdiction in accordance with Section 12 may allow further exemptions.
>
> * * * * * * * * * *
>
> SECTION 2. (2) Sequestration shall be ordered in connection with the property of:
>
> a) Jews.
> b) Persons who have fled or are not merely temporarily absent.
>
> (2) Sequestration may be ordered:
>
> a) If the property is required for the public welfare, particularly in the interests of Reich defense or the strengthening of Germanism.
> b) If the owners or other title holders immigrated into the territory of the German Reich as it was then delimited, after October 1, 1918.
>
> * * * * * * * * * *
>
> SECTION 9. (1) Sequestrated property may be con-

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fiscated by the competent agency (Section 12) for the benefit of the German Reich if the public welfare, particularly the defense of the Reich, or the strengthening of Germanism, so requires."

1665-PS, Verordnung über die Behandlung von Vermögen der Angehörigen des ehemaligen polnischen Staates (Order Concerning Treatment of Property of Nationals of the Former Polish State, 17 September 1940, 1940 Reichsgesetzblatt, Part I, p. 1270.

Evidence has also been introduced by the United States prosecution showing the extent to which the spoliation of Soviet territory and resources and the barbarous treatment inflicted on Soviet citizens were the result of plans long made and carefully drawn up by the Nazis before they launched their aggressive war on the Soviet Union. It has been shown that the Nazis planned to destroy the industrial potential of the Northern regions occupied by their armies and to so administer the production of food in the South and Southeast, which normally produced a surplus of food, that the population of the Northern region would inevitably be reduced to starvation because of diversion of such surplus food to the German Reich. It has been shown also that the Nazis planned to incorporate Galicia and all of the Baltic countries into Germany and to convert the Crimea, an area North of the Crimea, the Volga territory, and the district around Baku into German colonies. In other words, their plans were to Germanize or destroy.

By 29 April 1941, seven weeks prior to the invasion of the Soviet Union, it appears that Hitler had entrusted the defendant GÖRING with the over-all direction of the economic administration in the area of operations and in the areas under political administration. It further appears that GÖRING had set up an economic staff and subsidiary authorities to carry out this function.

See 1157-PS, Top Secret Notes of Conference with Branches of the Armed Forces on 29 April 1941.

The form of organization thus created by GÖRING and the duties of its various sections appear more clearly in a set of directives "for the operation of the economy in the newly occupied territories" issued by GÖRING, as Reich Marshall of the Greater German

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Reich in July 1941. By the terms of these directives, it is stated (page 5, paragraph 7 of German original) "The orders of the Reich Marshall cover all economic fields, including nutrition and agriculture. They are to be executed by the subordinate economic offices (infra under B)"

An "Economic Staff, East" was charged with the execution of orders transmitted to it from higher authority. One sub-division of this staff, entitled "Group La" was charged with the following functions: "Nutrition and Agriculture, the economy of all agricultural products, provision of supplies for the Army, in cooperation with the Army groups concerned."

Ec-472, Directives for the Operation of the Economy in the Newly Occupied Eastern Territories (Green Folder) Part I (2nd edition) Functions and Organization of the Economy, Berlin, July 1941.

See also

1743-PS, Guiding Principles for the Economic operations in the newly occupied Eastern territories (Green portfolio) Section I, Assignments and organization of the Economy, Berlin, June 1941.

As appears from the foregoing documents, it was a sub-division of the economic organization set by by the defendant GÖRING, the Economic Staff, East, Agricultural Group, which rendered a top secret report on 23 May 1941, containing a set of policy directives for the exploitation of Soviet agriculture. These directives have been read in evidence before the Tribunal previously. It will be recalled that they contemplated abandonment of all industry in the food deficit regions, with certain exceptions, and the diversion of food from the food surplus regions to German needs, even though millions of people would inevitably die of starvation as a result.

Ec-126, Economic Policy Directives for Economic Organization, East, Agricultural Group, 23 May 1941.

Minutes of a meeting at Hitler's Headquarters on 16 July 1941, kept by the defendant Bormann have also been read in part in evidence. It was at this meeting that Hitler stated that the Nazis never intended to leave the countries then being occupied by their

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Armies, that although the rest of the world was to be deceived on this point, nevertheless, "this need not prevent us taking all necessary measures - shooting, desettling, etc., - and we shall take them", and discussed making the Crimea and other parts of Russia into German colonies. The defendant GÖRING was present and participated in this conference.

L-221, Minutes of conference at Hitler's Headquarters, 16 July 1941.

As a final illustration, it appears from a memorandum dated 16 September 1941 that GÖRING presided over a meeting of German military officials concerned with the "better exploitation of the occupied territories for the German food economy" and that in discussing this topic, the defendant GÖRING said:

> "It is clear that a graduated scale of food allocations is needed.
>
> First in line are the combat troops, then the remainder of troops in enemy territory, and then those troops stationed at home. The rates are adjusted accordingly. The supply of the German non-military population follows and only then comes the population of the occupied territories.
>
> In the occupied territories on principle only those people are to be supplied with an adequate amount of food who work for us. Even if one wanted to feed all the other inhabitants, one could not do it in the newly occupied Eastern areas. It is, therefore, wrong to funnel off food supplies for this purpose, if it is done at the expense of the Army and necessitates increased supplies from home".

Ec-3, Memorandum of Conference dated 16 September 1941.

From the foregoing documents, participation of the defendant GÖRING in the Nazi plans for committing wholesale war crimes in occupied territories of the Soviet Union is abundantly clear.

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V. CRIMES AGAINST HUMANITY.

A. Murder, Extermination, Enslavement, Deportation and other Inhumane Acts Committed against Civilian Populations before and during the War.

Much evidence introduced during this trial deals with the murders, the mass exterminations, the deportations for slave labor, and the other inhumane acts of the Nazi conspirators. For all of these, the defendant GÖRING, as a leading member of the conspiracy, is individually responsible. The particular part which he played in connection with deportations and slave labor has already been shown in the section of this brief which delas with "War Crimes." It will be recalled that shortly after becoming Minister President of Prussia in 1933, the defendant GÖRING created the Gestapo, or Secret State Police, in Prussia, which became a model for that instrument in the rest of Germany. It will further be recalled that this defendant boasted of the part which he played in the creation of the Gestapo, and that concentration camps were also established in Prussia in the spring of 1933 under his administration, and that they were then in charge of the Gestapo of which he was chief. (See pages 7 - 9 of this brief). The extent to which GÖRING and the other Nazi conspirators employed these institutions as agencies for the commission of their crimes against humanity appears from evidence now before this Tribunal, including in particular evidence as to the Gestapo as a criminal organization and evidence on concentration camps. In 1936, Himmler became Chief of the German Police. GÖRING was thereafter able to devote his attention chiefly to the tasks of creating the German Air Force and preparing the nation for aggressive war as Economic Czar. As was inevitable from his position, however, GÖRING continued to be concerned from time to time with these institutions of his creation. For example, on 14 February 1944, he sent the following teletype to Himmler:

> "I received your request to form another squadron of air force group for special purposes 7 (Z.B.V.7) and ordered examination by the air force operational staff (Luftwaffenfuerungstab). At the same time I ask you to put at my disposal as great a number of concentration camp (K Z-) convicts as possible for air armament, as this kind of manpower proved to be very useful according to previous experience. The

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situation of the air war makes subterranean transfer of industry necessary. For work of this kind concentration camp (K Z-) convicts can be especially well concentrated at work and in the camp. Such installations are necessary in order to secure production of the now fully developed most modern airplanes. The Fuehrer upon his visit in Insterbrug has attached great value to these airplanes. Intermediate negotiations have already been held between my and your departments. I would be especially grateful for your support in carrying out this task."

1584-PS-I, USA 221, Teletype, GÖRING to Himmler, 14 February 1944.

9 March 1944 Himmler replied to the foregoing teletype as follows:

"Most honored Reichsmarshal

Following my teletype letter of the 18 February 1944 I herewith transmit a survey on the employment of prisoners in the aviation industry.

This survey indicates that at the present time about 36,000 prisoners are employed for the purposes of the air force. An increase to a total of 90,000 prisoners is contemplated.

The production is being discussed, established and executed between the Reich ministry of aviation and the chief of my economic-administrative main office, SS - OBERGRUPPENFUEHRER and General of the WAFFEN-SS, POHL respectively.

We assist with all forces at our disposal."

There follows a report on the use of concentration camp prisoners in the aviation industry.

1584-PS (III) Report Himmler to GÖRING 9 March 1944 Subject: Employment of prisoners in the aviation industry.

Evidence has been introduced as to medical experiments performed on humans at the concentration camp in Dachau. On 20 May 1942, Field Marshal Milch, Secretary of State and Deputy to the defendant GÖRING as Air Minister wrote to SS-Obergrupenfuehrer Wolff the following letter:

"Dear Wolffy:

In reference to your telegram of 12 May our sanitary inspector reports to me that the altitude experiments carried out by the SS and Air Force at Dachau have been finished. Any continuation of these experiments seems essentially unreasonable. However, the carrying out of experiments of some other kind, in regard to perils at high seas, would be important. These have been prepared in immediate agreement with the proper

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offices; Major (M.C.) Weltz will be charged with the execution and Capt (M.C.) Rascher will be made available until further orders in addition to his duties within the Medical Corps of the Air Corps. A change of these measures does not appear necessary, and an enlargement of the task is not considered pressing at this time.

The low-pressure chamber would not be needed for these low-temperature experiments. It is urgently needed at another place and therefore can no longer remain in Dachau.

I convey the special thanks from the supreme commander of the Air Corps to the SS for their extensive cooperation.

I remain with best wishes for you in good comradship and with

Heil Hitler!
Always yours
/s/ E. Milch"

343-PS, Letter from Milch to Wolff, 20 May 1942.

That Milch kept informed of the progress of the experiments may be seen from the following letter which he sent to Himmler 31 August 1942:

"Dear Mr. Himmler:

I thank you very much for your letter of the 25 Aug. I have read with great interest the reports of Dr. Rascher and Dr. Romberg. I am informed about the current experiments. I shall ask the two gentlemen to give a lecture combined with the showing of motion pictures to my men in the near future.

Hoping that it will be possible for me to see you at the occasion of my next visit to Headquarters I remain with best regards and

Heil Hitler!
/s/ yours
E. Milch"

343-PS, Letter from Milch to Himmler, 31 August 1942.

Thus it is clear that the very highest circles in the defendant GÖRING'S Air Ministry were interested in these experiments.

B. Persecution on Political, Racial and Religious Grounds in Execution of and in Connection with the Common Plan Mentioned in Count One.

The leading part played by the defendant GÖRING in the ruthless persecution of political opposition in general has been amply shown in Sections III A 2 and III A 3 of this brief. There remains to be considered the part which this defendant played in the particularly cruel persecution of Jews which was continued relentlessly from the earliest days until the end of the War.

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The unscrupulous use by the Nazi conspirators of anti-semitism as a means both for securing and maintaining power first over the German people and later over the peoples of occupied countries has already been proven to this Tribunal.

> See Trial Brief I, entitled "Adoption and Publication of the Program for Persecution of the Jews", previously submitted to the Court, together with evidence adduced in connection therewith.

As was to be expected from his position as Number 2 Nazi, the defendant GÖRING took an active part in the waging of this program of persecution, the ultimate purpose of which, as has been shown, was the extermination of all Jews. To quote from GÖRING'S own book:

> "The solution of the Jewish question has not yet been reached. Whatever has happened so far has been done in a state of necessity, in the interest of our own people; it was a reaction against the ruin which this race has brought upon us".
>
> 3461-PS, GÖRING, Aufbau Einer Nation (Reconstruction of a Nation) Berlin 1934, p. 91.

Again in 1935, the defendant GÖRING, as President of the Reichstag, in a speech urging that body to pass the infamous so-called Nürnberg race laws, said:

> "God has created the races. He did not want equality and therefore we energetically reject any attempt to falsify the concept of race purity by making it equivalent with racial equality. . . This equality does not exist. We have never accepted such an idea and therefore we must reject it in our laws likewise and must accept that purity of race which nature and providence have destined for us."
>
> 3458-PS, Rühle, Das Dritte Reich, Vol III, 1935, Berlin, 1936, p. 257.

Again to show his official attitude, on 26 March 1938, the defendant GÖRING said in a speech in Vienna:

> "I must direct a serious word to the City of Vienna. Today Vienna cannot rightly claim to be a German City. One cannot speak of a German City in which 300,000 Jews live. This city has an important German mission in the field of culture as well as in economics. For neither of these can we make use of the Jews".
>
> 3460-PS, Gritzbach: Hermann GÖRING, Reden und Aufsatze, Munich, 1938; pp 348-349.

In the late fall of 1938, using as an excuse the murder of vom Rath, Secretary of Legation in Paris, the Nazi conspirators, acting

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within the frame-work of economic preparation for aggressive war, began the complete elimination of Jews from economic life, preparatory to their physical anihilation. The defendant GÖRING, as head of the Four-Year Plan, was in active charge of this phase of the persecutions. The first step in his campaign was a law requiring registration of all Jewish owned property. In April 1938 the defendant GÖRING and Frick signed such a law.

> 1406-PS, Verordnung Über die Ammeldung des vermögens von Juden (Decree for reporting Jewish owned property) 26 April 1938, 1938 Reichsgesetzblatt, Part I, p. 414.

Armed with the information thus secured, the Nazi conspirators were fully prepared to take the next step. The killing of Secretary of Legation vom Rath, in Paris, 9 November 1938 was made the pretext for widespread "spontaneous" riots, which included the looting and burning of many Jewish synogogues, homes and shops, all carefully organized and supervised by the Nazi conspirators. The defendant GÖRING was fully informed of measures taken.

> 3051-PS, USA 240, Teletype orders of Heydrich, 10 November 1938.
>
> 3058-PS, Letter Heydrich to GÖRING, 11 November 1938.

Immediately after these riots, on 12 November 1938, GÖRING acted as Chairman of a meeting at the Reich Ministry of Air, on the "Jewish question", attended by the defendants GÖRING and Funk, and by the conspirators Goebbels, Heydrich and others.

> 1816-PS, USA 261, Stenographic report of the meeting on the "Jewish question" under the chairmanship of Field Marshal GÖRING in the Reich Air Force (12 November 1938, 11 o'clock).

The defendant GÖRING made the purpose of the meeting clear at the outset. He said:

> "Today's meeting is of a decisive nature. I have received a letter written on the Fuehrer's orders by the Stabsleiter of the Fuehrer's deputy, Bormann, requesting that the 'Jewish Question be now, once and for all, coordinated and solved one way or another. And yesterday, once again did the Fuehrer request by 'phone for me to take coordinated action in the matter".

"Since the problem is mainly an economic one, it is from an economic angle thatit shall have to be tackled. Naturally a number of legal measures shall have to be taken which fall into the sphere of the Minister for Justice and into that of the Minister of the Interior; and certain propaganda measures shall have to be taken care of by the office of the Minister for Propaganda. The Minister for Finance and the Minister for Economic affairs shall take care of problems falling into their respective resorts".

1816-PS, USA 261, Supra

"GÖRING then said that it was not sufficient to have demonstrations and to burn down Jewish property. In such cases the real loss usually fell on German insurance companies. He continued:

"I should not want to leave any doubt, gentlemen, as to the aim of today's meeting. We have not come together merely to talk again but to make decisions, and I implore the competent agencies to take all measures for elimination of the Jews from German economy and to submit them to me, as far as it is necessary.

The fundamental idea in this program of elimination of the Jew from German economy, is first, the Jew being ejected from the economy transfers his property to the State. He will be compensated. The compensation is to be listed in the debit ledger and shall bring a certain percentage of interest. The Jew shall have to live out of this interest. It is a foregone conclusion, that this aryanizing, if it is to be done quickly, cannot be made in the Ministry for Economy in Berlin. That way, we would never finish. . .

It is my lot, so that the damage will not be greater than the profit, which we are striving for.

It is obvious, Gentlemen, that the Jewish stores are for the people, and not the stores. Therefore, we must begin here, according to the rules previously laid down.

The Minister for Economic Affairs shall announce which stores he'll want to close altogether. These stores are excluded from aryanizing at once. Their stocks are to be made available for sale in other stores; what cannot be sold, shall be processed through the "Winterhilfe" or taken care of otherwise. However, the sales values of these articles shall always be considered, since the State is not to suffer but should profit through this transformation. For the Chain and Department stores - I speak now only of that, which can be seen, certain categories have to be established, according to the importance of the various branches.

The trustee of the State will estimate the value of the property and decide what amount the Jew shall receive. Naturally, this amount is to be set as low as possible. The representative of the State shall then turn the establishment over to the "Arian" proprietor, that is, the property shall be sold according to its real value.

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> There begins the difficulties. It is easily understood that strong attempt will be made to get all these stores to Party members and to let them have some kind of compensations. I have witnessed terrible things in the past; little chauffeurs of Gauleiters have profited so much by these transactions that they have now about half a million. You, Gentlemen, know it. Is that correct?"

Specific measures to effect the "Arianization" of Jewish businesses were then discussed. A representative of German insurance companies was called in to assist in solving the difficulties created by the fact that most of the Jewish stores and other property destroyed in the rioting were in fact insured, in some cases utlimately by foreign insurance companies. All present were agreed that it would be unfortunate to pass a law which would have the effect of allowing foreign insurance companies to escape from liability, and that moreover, so far as the insurance companies were concerned, they had made a bargain and should stand by it. The defendant GÖRING then suggested a characteristic solution:

> "GÖRING: No. I don't even dream of refunding the insurance companies the money. The companies are liable. No, the money belongs to the State. That's quite clear. That would indeed be a present for the insurance companies. You make a wonderful Petidum there. You'll fulfill your obligations, you may count on that".
>
> 1816-PS, USA 261, Stenographic report of the meeting on the "Jewish Question" under the chairmanship of Field Marshal GÖRING in the Reich Air Force, 12 November 1938, 11 o'clock.

It is impossible here to quote further from the extensive discussion of all phases of persecution of the Jews which took place at this meeting. It is sufficient to point out that on the same day the defendant GÖRING, over his own signature, promulgated three decrees putting into effect the most important matters decided at the meeting. In the first of these decrees, a collective fine of 1,000,000,000 RM was placed on all German Jews.

> 1412-PS, Verordnung Über Eine Suhneleistung der Juden (Decree on the contribution of the Jews) 12 November 1938, 1938 Reichsgesetzblatt, Part I, p. 1579.

The second decree entitled, "A Decree on Elimination of Jews from German Economic Life", barred Jews from trades and crafts.

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2875-PS, Verordnung zur Ausschaltung der Juden Aus dem Deutschen Wirtschaftsleben (Decree on elimination of Jews from economic life) 12 November 1938, 1938 Reichsgesetzblatt, Part I, p. 1580.

The third decree took care of the insurance question raised in the morning's meeting, by providing that insurance due to Jews for various losses sustained by them was to be collected by the State.

2694-PS, Verordnung zur Wiederherstellung des Strassenbildes bei Juedischen Gewerbebetrieben (Decree for the restoration of the appearance of the streets by Jewish economic enterprises) 12 November 1938, 1938 Reichsgesetzblatt, Part I, p. 1581.

The above material is presented merely as illustrative of the energetic manner in which the defendant GÖRING took part in driving the Jews from economic life at this period. For other examples, see the following:

069-PS, Circular letter of Bormann, 17 January 1939, distributing a directive of GÖRING with respect to housing of Jews.

1208-PS, Order of the Commissioner of the Four Year Plan, signed GÖRING, to various Party leaders, dated 10 December 1938, Berlin, prescribing the manner in which exploitation of Jewish property is to be undertaken and warning that any profit resulting from the elimination of Jews from economic life is to go to the Reich.

As the German armies moved into other countries, the anti-Jewish laws were extended, often in a more stringent form, to the occupied territories. Many of the decrees were not signed by the defendant GÖRING himself, but were issued on the basis of decrees signed by GÖRING and introducing the Four Year Plan in the occupied territories. For example, reference is made to the:

Order Concerning the Introduction of the Four Year Plan in the Eastern Territories, 30 October 1939, 1939 Reichsgesetzblatt, Part I, p. 2125.

Nevertheless, in his capacity as Commissioner of the Four Year Plan, or as Chairman of the Ministerial Council for National Defense, the defendant GÖRING himself signed several anti-Jewish decrees for occupied territories including the following:

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1939 Reichsgesetzblatt I, p. 1703, Verordnung ueber die Ammeldung der Vermoegens von Juden in den sudetendeutschen Gebieten, 2 December 1938 (Order concerning the registration of the property

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of Jews in the Sudeten German territories), which was the preliminary for sequestration of such property,

1939 Reichsgesetzblatt I, p. 702, Verordnung ueber die Einfuehrung der Luftschutzgesetzes in den sudetendeutschen Gebieten, 31 March 1939 (Order concerning the introduction of the Air Defense Law in the Sudeten German territories), discriminating against Jews,

1940 Reichsgesetzblatt, I, p. 1270, Verordnung ueber die Behandlung von Vermoegen der Angehoerigen des ehemaligen polnischen Staates, 17 September 1940 (Order concerning treatment of property of nationals of the former Polish State), by which the property of Polish Jews was confiscated,

1940 Reichsgesetzblatt I, p. 1547, Kriegsachschaeden Verordnung (War Damages Law), 30 November 1940, also discriminating against Jews, and

1941 Reichsgesetzblatt I, p. 759, Decree regarding Administration of Criminal Law against Poles and Jews in the Incorporated Eastern Territories, 4 December 1941, which introduced especially stringent penal laws for Jews.

During the later years of the war, the program of the Nazi conspirators for the complete physical anihilation of all Jews in Europe achieved its full fury.

See evidence previously introduced on "Persecution of the Jews".

While the execution of this program was for the most part handled by the SS and the Security Police, the defendant GÖRING remains implicated in the final phases of the Nazi "Solution" of the Jewish problem.

On 31 July 1941, he wrote the following letter to the conspirator Heydrich:

"Complementing the task that was assigned to you on 24 January 1939, which dealt with arriving at - through furtherance of emigration and evacuation, a solution of the Jewish problem, as advantageous as possible, I hereby charge you with making all necessary preparations in regard to organizational and financial matters for bringing about a complete solution of the Jewish question in the German sphere of influence in Europe.

Wherever other governmental agencies are involved, these are to cooperate with you.

I charge you furthermore to send me, before long, an overall plan concerning the organizational, factual and material measures necessary for the accomplishment of the desired solution of the Jewish question".

710-PS, Letter, GÖRING to Heydrich, 31 July 1941.

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The evidence presented to the Court on the individual responsibility of the defendant GÖRING has been intended merely as an illustration of the way in which this defendant played an active, and generally a leading part in every phase of the Nazi conspiracy. Not only was he the Number Two Nazi and successor designate to Hitler during the war years, but from the very beginning he was Hitler's most trusted assistant. He was commander of the SA during the time when it was being built into a powerful unit of street fighters. He was at Hitler's side during the Munich Putsch, and was wounded in the fighting which accompanied it. Later he became Hitler's political deputy in the Berlin area, Nazi deputy in the Reichstag and eventually President of the Reichstag. He took a leading part in the violence and political maneuvers leading up to the first appointment of Hitler as Reich Chancellor.

After the Nazi seizure of power, as President of the Reichstag, as Prime Minister of Prussia, and as member of the Reich Cabinet, he was a leader in the ruthless suppression of all political opposition, and in securing the passage of the law whereby the Nazi conspirators secured plenary legislative powers. After the power of the Nazi conspirators had been consolidated, it was the defendant GÖRING who as Reich Minister for Air, built up the German Air Force, first in secret and later openly, until it became an instrument capable of terrorizing every country in Europe. During the same period, it was the defendant GÖRING again, who as Plenipotentiary for the Four-Year Plan, had the ultimate responsibility for placing the entire German economy on a war footing. In the various meetings and conferences in which Nazi plans for aggression were evolved, the defendant GÖRING was present. Frequently when basic decisions had to be made, the defendant GÖRING played a part as active as or more active than Hitler himself. In the attacks on Czechoslovakia and Poland, it was the defendant GÖRING who gave deceptive reassurances of Germany's good intentions when these were called for by the conspirators plans. It was the defendant GÖRING, who, when the trap was sprung, threatened the

luckless victims of Nazi aggression with the over-night destruction of their cities and peoples with the might of his air force. Evidence of the foregoing and much more proves beyond any doubt the guilt of the defendant GÖRING of the crimes charged to him under Counts One and Two of the Indictment.

After the beginning of the war, it has been shown that the defendant GÖRING, as Plenipotentiary for the Four-Year Plan and as President of the Council of Ministers for the Defense of the Reich, initiated and was responsible for the gigantic program whereby millions of residents of countries occupied by the German Armies were carried into slavery in the German Reich and treated in a manner violating not only the recognized laws of war, but the laws of humanity as well. He carried out this program with such ruthlessness that even Prisoners of War were employed in the German armament industry, thus being placed in the position of being forced to fight against their own country, also in violation of all rules of warfare. Evidence of the foregoing is illustrative of the kind of deeds which have proven the defendant GÖRING guilty as charged under Count Three of the indictment.

Finally, it has been shown that as the creator of the principal weapons of persecution and terror employed by the Nazi conspirators, the infamous Secret State Police, or Gestapo, and the unspeakable concentration camps, and as a leader in the elimination of all members of the Jewish race from the economic life of Germany, which was merely a step in the planned extermination of all Jews from the continent of Europe, the defendant GÖRING has been proven guilty of Crimes against Humanity, as charged under Count Four of the indictment.

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TRIAL BRIEF

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THE INDIVIDUAL RESPONSIBILITY OF THE DEFENDANT

H E R M A N N G Ö R I N G

FOR CRIMES AGAINST THE PEACE, WAR CRIMES AND CRIMES AGAINST HUMANITY

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